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State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF SOLID AND HAZARDOUS WASTE

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Office of Enforcement,
Compliance & Environmental
Justice

March 17, 1997

Mr. Neal R. Olsen
Manager / Environmental Affairs
Dyno Nobel Inc.
Eleventh Floor Crossroads Tower
Salt Lake City, UT 84144

Re: **January 31, 1997 Response to Notice of Violation No. 9610033**

Dear Mr. Olsen:

The Division of Solid and Hazardous Waste (the Division) received your letter and enclosures dated January 31, 1997. Violation numbers 2 and 3 and the cover letter items 1, 4, 5 and 6 were all previously resolved. Our responses to the remaining violations and cover letter items are given below:

Item 2 Based on a review of the revised waste analysis plan, it appears that the characterization of the K044 waste stream, as described, is adequate. For the purpose of the compliance evaluation inspection, the Division considers this issue resolved. However, please be aware that a more detailed analysis of the waste stream may be required for the risk assessment for Dyno Nobel's Open Burn/Open Detonation (OB/OD) activities.

Item 3 The Division acknowledges that Dyno Nobel has added the concrete burn pad to the items to be inspected in the inspection schedule, and therefore considers this issue resolved. It appears that hazardous waste is adequately contained by the pad at this time, however, repair or replacement of the pad will be required before an OB/OD permit is approved.

Item 7 As long as it is certified by Dyno Nobel [in accordance with 40 CFR 268.9(d)] that the mixture of treated K044 waste and treated characteristic wastes no longer exhibits any of the hazardous waste characteristics, the resultant mixture will not be considered a hazardous waste. The land disposal documents previously submitted appear to meet the notification and certification requirements.

NOV 1 If the ash and residues generated from open burning are certified by Dyno Nobel to be deactivated, and no longer exhibit any of the hazardous waste characteristics (as described



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above) it is appropriate to manage the material as solid waste. The Division considers this issue resolved.

In regard to the cloth filter bag that is used to collect K044 sludge, the Division maintains that the bag is a hazardous waste container. In Item 12 of the Appendix to Part 262, burlap or cloth bags are included in the list of types of containers. It is our recommendation, therefore, that the bag be managed in accordance with the satellite accumulation regulations outlined in 40 CFR 262.34(c)(1). The addition of a tag identifying the material in the container as "hazardous waste" would suffice.

This letter serves to close out the Notice of Violation and other issues that were initiated by the Compliance Evaluation Inspection. Accordingly, the Division requests that Dyno Nobel withdraw its request for a hearing before the Utah Solid and Hazardous Waste Control Board. If you have any questions regarding this letter please contact Jeff Vandel at 538-9413.

Sincerely,



Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

DRD/JCV/II

c: Joseph K. Miner, MD, MSHP, Hlth. Off/Dept. Director, Utah County Hlth. Dept.
Janice Pearson, US EPA, Region VIII

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file: Dyno Nobel Inc.